

COURT OF APPEAL OF THE STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE  
July 20, 2009

- D055064     In re Martinez on Habeas Corpus**  
The petition is denied.
- D055084     Government Employees Insurance Company v. Superior Court of  
San Diego/Unitrin Direct Insurance Company**  
The petition is denied.
- D053434     In re Schlappi on Habeas Corpus**  
The petition is denied.
- D053139     San Diego Sunbelt, Inc. v. Dyrssen**  
The judgment of the trial court is affirmed.  
Aaron, J.; We Concur: Nares, Acting P.J., Haller, J.
- D053856     Grijalva et al. v. Brandt et al.**  
The August 8, 2008 order is reversed. Grijalva is entitled to costs on appeal.  
Aaron, J.; We Concur: Haller, Acting P.J., O'Rourke, J.
- D055383     Christopher R. v. Superior Court of San Diego County/San Diego County  
Health and Human Services Agency**  
The attorney for petitioner Christopher R. has notified the court that a petition for writ of mandate under California Rules of Court, rules 8.452 and 5.600 will not be filed as there are no viable issues for writ review. The case is dismissed.
- D047681     People v. Millard**  
**D049268     People v. Millard**  
The petition for rehearing is denied.
- D055354     Woodruff v. Superior Court of San Diego County/County of San Diego  
In-Home Support Services Public Authority**  
The petition for writ of mandate has been read and considered by Justices Huffman, McIntyre and Irion. The petition is denied.
- D055031     In re Weaver on Habeas Corpus**  
The petition is denied.

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**D055061     In re Livingston on Habeas Corpus**

The petition is denied.

**D049471     Keener et al. v. Jeld-Wen, Inc., et al.**

Upon a written joint request filed by the parties to the appeal, the appeal is dismissed and the remittitur is ordered to issue immediately. (Cal. Rules of Court, rule 8.244(c)(2).) Each party to bear own costs on appeal.

**D053242     People v. Henderson**

The judgment of conviction is affirmed.

Benke, Acting P.J.; I Concur: Nares, J.; I concur in the result: McIntyre, J.

**D054488     People v. Livermont**

The judgment is affirmed.

McIntyre, J.; We Concur: McDonald, Acting P.J., O'Rourke, J.

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- D055283     Alkema et al. v. O'Laughlin**  
Because appellant did not pay the filing fee, the appeal is dismissed.  
(Cal. Rules of Court, Rule 8.100(c)(3).)
- D054062     Citizens for Responsible Equitable Environmental Development v. City of San Diego et al.**  
The trial court shall amend the judgment to reflect that the action is dismissed without prejudice and, as so modified, the judgment is affirmed. City is entitled to costs on appeal. McDonald, J.; We Concur: Haller, Acting P.J., Aaron, J.
- D053461     In re Pedro C., a Juvenile**  
The judgment is affirmed. Irion, J.; We Concur: Nares, Acting P.J., Aaron, J.
- D053936     People v. Nothe**  
The judgment is affirmed. Irion, J.; We Concur: Benke, Acting P.J., McIntyre, J.
- D055420     Andrew S. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency**  
The attorney for petitioner Andrew S. has notified the court that a petition for writ of mandate under California Rules of Court, rules 8.452 and 5.600 will not be filed as there are no viable issues for writ review. The case is dismissed.
- D055342     James A. et al. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency**  
The attorney for petitioner James A. has notified the court that a petition for writ of mandate under California Rules of Court, rules 8.452 and 5.600 will not be filed as there are no viable issues for writ review. The case as to James A. is dismissed.

COURT OF APPEAL OF THE STATE OF CALIFORNIA  
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- D053241     People v. Washington**  
The judgment is affirmed.  
Huffman, J.; We Concur: Benke, Acting P.J., McIntyre, J.
- D054487     Conservatorship of the Person of Deborah W.**  
The judgment is reversed and the case is remanded for new conservatorship hearings after proper notices.  
Nares, J.; We Concur: Huffman, Acting P.J., McIntyre, J.
- D054953     People v. Gomez**  
The judgment is affirmed. Nares, Acting P.J.; We Concur: Haller, J., O'Rourke, J.
- D054113     People v. Kingman**  
The judgment is affirmed. Haller, J.; We Concur: Nares, Acting P.J., Irion, J.
- D052724     People v. Salinas**  
The judgment of convictions is affirmed.  
Benke, J.; We Concur: McConnell, P.J., McIntyre, J.
- D053818     Kutina v. Jauregui**  
Order affirmed. Benke, Acting P.J.; We Concur: Huffman, J., Irion, J.
- D054486     In re Gustavo Cruz A., a Juvenile**  
The judgment is reversed as to the disposition and the matter is remanded to the juvenile court for a new disposition hearing for the determination of whether the commercial burglary offense was a felony or a misdemeanor and to modify the probation conditions and disposition order consistent with the views expressed in this opinion. The judgment is affirmed in all other respects.  
Huffman, Acting P.J.; We Concur: Aaron, J., Irion, J.
- D053535     B. Young Enterprises, Inc. v. One Carol Place Company**  
**D054320     B. Young Enterprises, Inc. v. One Carol Place Company**  
The judgment and the order awarding attorney fees are affirmed. Carol is entitled to costs on appeal. McDonald, J; We Concur: Haller, Acting P.J., Aaron, J.
- D054359     Iglesias et al. v. Coliman Produce, Inc.**  
Upon written request filed by appellant, the appeal is dismissed and the remittitur is ordered to issue immediately. (Cal. Rules of Court, rule 8.244(c)(2).)

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July 23, 2009 (Continued)

- D053705     Velez v. Peter et al.**  
Judgment affirmed. Respondents to recover their costs of appeal.  
Benke, Acting P.J.; We Concur: Huffman, J., McIntyre, J.
- D055069     In re Brown on Habeas Corpus**  
The petition is denied.
- D055394     Lewis v. Superior Court of San Diego County/Lastino**  
The petition is denied.
- D054933     People v. Alsayad**  
The petition is denied.
- D052364     In re Langnese on Habeas Corpus**  
Petitioner's opposed motion to vacate the dismissal and reinstate the petition filed on July 1, 2009, is denied. The order dismissing the petition was filed on May 7, 2009, and became final as to this court 30 days after filing. (Cal. Rules of Court, rule 8.387(b)(1).) A reviewing court may not modify a decision after it is final as to that court. (Cal. Rules of Court, rule 8.387(d)(1).)
- D054994     In re Busch on Habeas Corpus**  
The petition for writ of habeas corpus has been read and considered by Justices Huffman, McIntyre and Irion. Petitioner challenges the September 4, 2008, determination by the Board of Parole Hearings (Board) that he is unsuitable for parole. The petition is denied because petitioner has provided an incomplete record for our review. In particular, portions of the parole hearing transcript are missing, including critical pages of the Board's decision. We therefore deny without prejudice to refiling the petition in this court with a complete transcript and all other necessary documents to review petitioner's case. (See *People v. Duvall* (1995) 9 Cal.4th 464, 474.) The petition is denied.
- D055116     Kenall West, LLC et al. v. Superior Court of San Diego County/Mira Mar Mobile Community Homeowners Association**  
The petition is denied based on the adequacy of the remedy by the pending appeal. The application to place the document "conditionally under seal" is denied. The clerk is directed not to place the document submitted "conditionally under seal" in the case file and return it to petitioner's counsel unless counsel notifies the clerk in writing within 10 days after the order denying the motion or application that the document is to be filed. (Cal. Rules of Court, rule 8.160(e)(7).)

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- D054757     People v. Buskirk**  
The judgment is affirmed.  
Huffman, Acting P.J.; We Concur: O'Rourke, J., Irion, J.
- D054740     People v. Anderson**  
The petition for rehearing is denied.
- D052127     Ali et al. v. U.S.A. Cab Ltd. et al.**  
The order is affirmed. Respondents are entitled to costs on appeal.  
McConnell, P.J.; We Concur: Benke, J., McIntyre, J.
- D055062     In re McEachern on Habeas Corpus**  
The petition is denied.
- D053505     People v. Ramirez**  
The judgment is modified by deleting the probation condition that allows searches without a warrant or reasonable cause. As so modified, the judgment is affirmed.  
O'Rourke, J.; We Concur: McIntyre, Acting P.J., Irion, J.
- D053608     People v. LaValley**  
The judgment is affirmed and the case is remanded to the trial court so that it may address the issue of custody since Lavalley has been free on bail pending the outcome of this appeal. Huffman, Acting P.J.; We Concur: O'Rourke, J., Irion, J.
- D054511     In re Alarcon on Habeas Corpus**  
The trial court's order granting Alarcon's petition for writ of habeas corpus is reversed, with directions that the court enter a new order denying the petition.  
Nares, Acting P.J.; We Concur: O'Rourke, J., Aaron, J.
- D053689     People v. Denton**  
The case is remanded for a new sentencing hearing in which the court is to either impose or strike the prior prison term enhancements in compliance with California law. In the event the court imposes any of the prior prison term enhancements, the court shall prepare an amended abstract of judgment and forward it to the California Department of Corrections and Rehabilitation. In all other respects, the judgment is affirmed. McConnell, P.J.; We Concur: Benke, J., O'Rourke, J.

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July 24, 2009 (Continued)

**D055182     San Diego Country Estates Association, Inc. v. Ward**

The appellant's motion to set aside the dismissal of his appeal is granted and the appeal is reinstated. The appellant has 10 days from the date of this order to file his notice designating the record on appeal with the Clerk of the San Diego Superior Court.

**D055169     In re Priego on Habeas Corpus**

The petition is denied.